

## **REMARKS**

Reconsideration and allowance are respectfully requested.

The specification has been amended to harmonize it with the drawings as originally filed.

Claims 1 and 5 have been amended to include a device which will game progress processes based upon the game information received during a specific time from the game apparatuses. Support for this amendment can be found in the specification, for example, at paragraph [0006] and Figure 12. No new matter has been added. Therefore, claims 1-5 are pending and are at issue.

### **I. Objections**

The specification has been objected to because the references "PER" and "S108" were missing. The specification has been amended to overcome these objections.

### **II. Anticipation**

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 102(b) as anticipated by Peterson, Jr., U.S. Patent No. 5,825,876. The Examiner contends that Peterson, Jr. discloses a card game system having a plurality of game apparatuses which function as a master apparatus or a terminal apparatus. The game apparatuses receive and transmit data with one another. Each game apparatus reads game information recorded in a card in a specific time during the game. The game progresses based on the game information that is read. There is a permission device, an elapse time determination device, and a rejection device.

The rejection is respectfully traversed, and reconsideration is requested.

The permission device, elapse time determination device, rejection device, and execution device of the present invention allow the master to accept game information only during the specific time from the game apparatuses. This means that the game apparatuses can be synchronized simply even though they are remote from one another. Furthermore, since all of the players are requested to do something to send game information during the specific time, the players feel as though they are playing together even though they are remote from one another.

Peterson discloses a system in which the consumer can use data content during an authorized period (W0, W1, W2) and is prohibited from using the data content during the "premier event". See

Fig. 2, col. 4, l. 34-col 5, l. 18. The controller 14 is authorized by the authorization center 16 to unlock the data content. See col. 4, ll. 23-27. Authorization is a time period during which access to the data content is possible. Accordingly, the authorized period is the specific time, and the controller 14 at the consumer side and the server 60 at the authorization center correspond to the game apparatus and master in the presently claimed invention. However, the construct for permitting or prohibiting access to the data content in Peterson differs from that of the presently claimed invention.

The consumer using the Peterson system obtains in advance the storage medium 10 which contains locked data content. It is after this that the consumer obtains authorization from the authorization center 16 to access the locked content. See col. 4, ll. 30-33, 42-48. The authorized period appears in an authorization granted message from the server 16 to the controller 14. See col. 8, ll. 32-39. Then, the authorized period is stored on the secure card 42. See col. 8, ll. 62-65. The secure card is at the consumer's end, as shown in Fig. 1. The controller 14 determines permit/prohibit access to the data content and use of the data content by comparing the actual time and date to the authorized period. See col. 8, l. 66-col. 9, l. 35. This means that both the data content to be accessed and the controller 14 which determines whether or not to permit access to the data content are at the consumer's end. The consumer only accesses the server 16 to request and obtain authorization to access the data content. Peterson does not disclose a construct which permits/prohibits consumer access to the server 16 dependent upon a predetermined period.

Furthermore, Peterson is a pay-per-view system constructed so that a consumer can access video or music content only during the permitted period. The moment that a first consumer accesses the data content is wholly unrelated to the moment that another consumer does. This is not the player synchrony achieved by the presently claimed invention.

No other cited reference discloses permitting/accessing a server.

Accordingly, Peterson can not be relied upon to reject the present claims.

## **II. Obviousness**

Claim 4 stands rejected under 35 U.S.C. § 103(a) as obvious over Peterson in view of Yap et al., U.S. Patent No. 5,825,876. The Examiner acknowledges that Peterson does not disclose a card

with three or more sides with game information printed on a same face along the respective sides.  
Yap is cited as disclosing this.

The rejection is respectfully traversed, and reconsideration is requested.

Claim 4 depends from claim 1. Yap et al. does not cure the deficiencies of Peterson discussed above.

Therefore, Peterson in view of Yap et al. cannot be relied upon to reject claim 4 as obvious, and the rejection should be withdrawn.

### CONCLUSION

It is believed, for the foregoing reasons, that the presently pending claims warrant allowance, and such action is earnestly solicited.

Respectfully submitted,

Dated: August 12, 2009

By

Joseph R. Robinson

Registration No.: 33,448

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

*(Louis J. Darby)*  
*(47,522)*